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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,284	02/15/2006	Sen'ichi Onoda	2006_0178A	2341
52349 7590 09/29/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006				
EXAMINER				
PARDO, THUY N				
ART UNIT		PAPER NUMBER		
2168				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,284

Applicant(s)

ONODA ET AL.

Examiner

Thuy N. Pardo

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 2/15/2006

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Application filed February 15, 2005 is presented for examination. Claims 1-15 are pending in the application. Claims 1, 5, 9-15 are independent claims. This Office Action is Non-Final.

Abstract

2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. For instance, Applicant's abstract is not limited to a single paragraph and exceeds 150 words in length. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (Hereinafter "Shimizu") US Patent Application No. 2007/0124251 in view of Kitahara et al. (Hereinafter "Kitahara") US Patent Application No. 2007/0094736.

Referring to claim 1, Shimizu teaches transmission apparatus [see the abstract] comprising:

a license obtainment unit [license generation unit, 11b of fig. 1] operable to obtain second license data [license ID_L3, fig. 12; s25 of fig. 16] that permits reproduction of a second content linked from a first content [link content C2 to content C1, see fig. 8; fig. 12; 0150; 0211; 0213];

a multiplexed data generation unit [11d of fig. 1] operable to generate multiplexed data by multiplexing the obtained second license data on the first content [a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176]; and

a transmission unit [11f of fig. 1] operable to transmit the generated multiplexed data to a content reproduction apparatus by streaming for a predetermined period of time [Time: "from beginning 0 min. to beginning 60 min", or "from 60 min. to beginning 90 min", fig. 21].

However, Shimizu does not explicitly teach obtaining a second license data on the first content although it has the same functionality of reproducing partial content contained in the collective content recorded on the recording medium. Kitahara teaches obtaining a second license data on the first content [reproduction of content A and a

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sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Kitahara to the system of Shimizu as an essential means to ensure authorized utilization of contents by user to have ability to protect copyright of contents.

Referring to claim 2, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that said transmission unit is further operable to transmit multiplexed data generated by multiplexing second license data on the first content, the second license data permitting longer reproduction of the second content as an elapsed time from a start of the transmission of the multiplexed data including the first content becomes longer [Time: “from beginning 0 min. to beginning 60 min”, or “from 60 min. to beginning 90 min”, fig. 21].

Referring to claim 3, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a third content is further linked from the first content, and said transmission unit is operable to transmit multiplexed data generated by sequentially multiplexing for predetermined periods of time, on the first content, the second license data that permits reproduction of the second content and third license data that permits reproduction of the third content [fig. 21-22].

Referring to claim 4, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that in the case where the content reproduction apparatus is permitted to store license data, said transmission unit is operable to transmit the multiplexed data including a flag indicating prohibition of storing two or more license data of contents linked from a same content [0192-0193].

Referring to claim 5, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a content reproduction apparatus [ab] that is capable of switching reproduction of a content from a streaming content which is currently being reproduced to a storage content linked from the streaming content [recording medium, 17 of fig. 1], said apparatus comprising: a receiving unit [operation input unit, 16 of fig. 1] operable to receive multiplexed data generated by multiplexing, for a predetermined period of time [Time: "from beginning 0 min. to beginning 60 min", or "from 60 min. to beginning 90 min", fig. 21], an extracting unit operable to extract the second license data and the first content from the received multiplexed data [a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176]; a content obtainment unit operable to obtain the second content whose reproduction is permitted by the extracted second license data [0024; 0236-0238]. Kitahara also further teaches a reproduction unit operable to reproduce the extracted first content, and then reproduce the obtained second content based on the second license data by switching the reproduction from the first content to the second content when the second content is obtained [0201], and obtaining a second license data on the first content [reproduction of content A and a

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sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018].

Referring to claim 6, Shimizu and Kitahara teaches the invention substantially as claimed. Kitahara further teaches obtaining the second content from a server via a communication network in the case where the second content is not stored in said content storage unit [0049; 12 of fig. 1].

Referring to claim 7, Shimizu and Kitahara teaches the invention substantially as claimed. Shimizu further teaches that a third content is linked from the first content [content C67 links to content C6 and content C7, fig. 22], said receiving unit is further operable to receive multiplexed data (i) which is generated by sequentially multiplexing for predetermined periods of time [a content C6789 obtained by multiplexing the content C67 and a content C89, fig. 22; 0104; the content C67 obtained by multiplexing the contents C6 and C7, 0176], on the first content, the second license data that permits reproduction of the second content and third license data that permits reproduction of the third content [produce C67 from content C6 and content C7, fig. 22], and (ii) which includes a flag indicating prohibition of storing two or more license data multiplexed on one content [0192-0193], said content reproduction apparatus further comprises a license storage unit operable to store only extracted latest license data according to the flag [0022; 0026]; and Kitahara also further teaches a reproduction unit operable to reproduce the extracted first content, and then reproduce the obtained second content based on the second license data by switching the reproduction from the first content to the second

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content when the second content is obtained [0201], and obtaining a second license data on the first content [reproduction of content A and a sublicense of content A, S131 of fig. 18; main license and sublicense (second license) of content A, fig. 10; fig. 14, 15 and 17; 0016-0018].

Referring to claims 8-15, all limitations of these claims have been addressed in the analysis of claims 1-7 above, and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Thuy N. Pardo/

Primary Examiner, Art Unit 2168